

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SANNITI LLC,

Plaintiff,

08 Civ. 2520 (BSJ)

-against-

M/V "MARIA PIA," her tackle, boilers,
engines,

**ANSWER OF MAHER
TERMINALS, LLC TO
THE COMPLAINT**

- and against-

MEDITERRANEAN SHIPPING COMPANY S.A.,

Defendants.

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MEDITERRANEAN SHIPPING COMPANY S.A.,

Third-Party Plaintiff,

-against-

MAHER TERMINALS, INC.,

Third-Party Defendant.

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Third-Party Defendant, Maher Terminals, LLC (sued herein as "Maher Terminals, Inc."),
by its attorneys, Kenny, Stearns & Zonghetti, LLC, as and for its answer to the Complaint,
alleges upon information and belief as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the
allegations contained in paragraph 1 of the Complaint.
2. Denies knowledge or information sufficient to form a belief as to the truth of the
allegations contained in paragraph 2 of the Complaint.

3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Complaint.

4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Complaint.

5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Complaint.

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Complaint.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Complaint

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Complaint.

9. Denies the allegations contained in paragraph 9 of the Complaint.

**AS AND FOR A FIRST SEPARATE AND DISTINCT DEFENSE TO THE CAUSES
OF ACTION ALLEGED IN THE COMPLAINT**

10. The cause of the loss in whole or in part was the negligence of the Plaintiff and/or its agents.

**AS AND FOR A SECOND SEPARATE AND DISTINCT DEFENSE TO THE CAUSES
OF ACTION ALLEGED IN THE COMPLAINT**

11. Maher Terminals, LLC asserts each and every defense available to it under the subject contract of carriage including, but not limited to, limitation of action, limitation of liability, act of God, and cause of the loss beyond the control of the Third-Party Defendant.

**AS AND FOR A THIRD SEPARATE AND DISTINCT DEFENSE TO THE CAUSES
OF ACTION ALLEGED IN THE COMPLAINT**

12. Third-Party Defendant, Maher Terminals, LLC's liability is limited by Section 106(e) of the Ocean Shipping Reform Act of 1998, Pub.L. No. 105-258, 112 Stat. 1902 (1998) (also found at 46. App. U.S.C.A. § 1707(f)).

**AS AND FOR A FOURTH SEPARATE AND DISTINCT DEFENSE TO THE CAUSES
OF ACTION ALLEGED IN THE COMPLAINT**

13. Third-Party Defendant, Maher Terminals, LLC, took reasonable care of the cargo and the cause of the loss were acts beyond its control.

WHEREFORE, Third-Party Defendant Maher Terminals, LLC demands judgment dismissing the Complaint together with costs and such other and further relief as the Court may deem just and proper.

Dated: New York, New York
May 28, 2008

KENNY, STEARNS & ZONGHETTI, LLC
Attorneys for Third-Party Defendant
Maher Terminals, LLC

By:


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CERTIFICATE OF FILING

I HEREBY CERTIFY that, on May 28, 2008, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to each of the following:

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